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Notice of Allowability	Application No.	Applicant(s)	
	10/801,168	SPIEGEL, MICHAEL	
	Examiner	Art Unit	
	Christine D. Hopkins	3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment after Non-Final submitted 7 May 2007.
2. ☒ The allowed claim(s) is/are 1,2,6-18 and 20-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

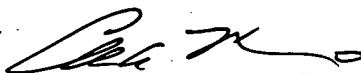
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|


 CHARLES A. MARMOR II
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 7 May 2007. Claims 1-2, 6-18 and 20-30 are now pending. The Examiner acknowledges the amendments to claims 1, 6-8, 10, 16, 20, 23, 25, and 27-28 as well as the cancellation of claims 3-5 and 19.

Oath/Declaration

2. The Examiner acknowledges the submittal of a new power of attorney filed 2 May 2007.

Allowable Subject Matter

3. Claims 1-2, 6-18 and 20-30 are allowable over the prior art of record. The following is an examiner's statement of reasons for allowance: regarding claims 1-2, 6-7, 9, and 12-15, the prior art of record teaches λ , or a time constant no greater than 1, in a circuit, however it fails to teach a time constant of a first circuit at least ten times greater than that of an additional circuit which aids in creating a rapidly changing magnetic field that induces a therapeutic effect on tissue. Furthermore, the prior art of record, in accordance with claim 8, incorporates the use of an output switch, however it fails to teach the use of an IGBT switch capable of supporting the high voltage applied to the coil of the instant application.

In view of claims 10-11 and 25, while the prior art of record teaches a duty cycle of ten and eighty percent, the prior art only teaches one magnetic field superimposed on a system for interrupting external electromagnetic signals deemed detrimental to the

system. Furthermore, an electric field induced at such a duty cycle is imperative to achieving charge transport in tissue of the patient.

Regarding claims 16-18, 20-22, 24 and 26, while the prior art of record teaches the increase and decrease of a magnetic field having a saw-tooth shape, it teaches a field having a non-linear shape, and not linear as supported by the instant claims such that a therapeutic charge is more effectively induced. The prior art of record further teaches the increase of a magnetic field for invoking an electric charge transfer in tissue, however it does not explicitly disclose such a small increase in intensity as disclosed in the language of claim 23.

In view of claims 27-30, the prior art of record teaches the use of multiple circuits for efficiently increasing and decreasing the amount of current available to a coil, however the prior art fails to teach or suggest the interconnection of the increasing and decreasing subcircuits with an IGBT for switching between the two and supporting such a large voltage supplied to the coil of the instant application.

Response to Arguments

4. Applicant's arguments filed 7 May 2007 with respect to the objection to claims 5-8 have been fully considered and are persuasive. The objection to claims 5-8 has been withdrawn.

5. Applicant's arguments filed 7 May 2007 with respect to the rejection of claim 1 under 35 U.S.C. 112, first paragraph, regarding lack of enablement, have been fully considered and are persuasive. The rejection of claim 1 has been withdrawn.

6. Applicant's arguments filed 7 May 2007 with respect to the rejection of claim 1 under 35 U.S.C. 112, first paragraph, regarding compliance with the written description requirement, have been fully considered and are persuasive. The rejection of claim 1 has been withdrawn.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine D. Hopkins whose telephone number is (571) 272-9058. The examiner can normally be reached on Monday-Friday, 7 a.m.-3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christine D Hopkins
Examiner
Art Unit 3735



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